

### REMARKS/ARGUMENTS

Claims 1, 3-12, 14-18, 20-30 and 32-54 are pending. Claims 1, 3 and 5-9 have been canceled, and claims 55-57 have been added. Thus, claims 1, 4, 10-12, 14-18, 20-30 and 32-57 are now pending.

Applicants also wish to thank the Examiner for the indication that claims 4, 21, 33 and 39 are allowed.

Applicants respectfully request reconsideration of this application based on the following remarks.

#### *Claim Rejections – 35 USC § 103*

Claims 1, 3, 5-12, 14-18, 20, 22-30, 32, 34-38 and 40-54 are rejected under 35 U.S.C. §103(a) as being unpatentable over Jung (US 6,049,716) in view of Fong et al. (US Patent Publication No. 2004-0013102). Applicants respectfully traverse the rejection as follows.

As noted above, claims 1, 3 and 5-9 have been canceled, and thus their rejection is moot.

To establish a *prima facie* case of obviousness, all of the claimed features must be taught or suggested by the references and there must be some suggestion or motivation, in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings.<sup>1</sup>

Jung and Fong, alone or in combination, fail to disclose or suggest the features recited by the claims. Specifically, referring to independent claims 10, 15, 18, 27, 34, 41, 53 and 54, Jung and Fong fail to disclose or suggest apparatus or methods of modifying or setting a transmission parameter or frame to a first value/size or a second value/size depending on if a mobile station is detected as entering or leaving a soft handoff.

For example, the Office Action, on page 3, admits Jung fails to disclose “wherein the mobile station is configured to modify a transmission parameter in response to the network directing the mobile station to enter or leave soft handoff, wherein the transmission parameter comprises a frame size, wherein if the mobile station is directed to enter soft handoff, the frame size is set to a first size and wherein if the mobile station is directed to leave soft handoff, the frame size is set to a second size,” and relies on Fong to cure this deficiency.

Fong, in paragraph [0053], discloses the “MS also supplies to the BS via the R-CQICH

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<sup>1</sup> MPEP, section 2142.

feedback information about the received signal quality (CQI) for the forward packet data channel. This information can be used by the BS to control transmission power to the MS, determine data rate (encoder packet size and transmission duration), trigger packet data channel handoff [and] determine scheduling for the packet data channel.” However, Fong does not disclose or suggest modifying or setting a mobile station’s transmission parameter comprising a frame size to a first value or a second value in response to detecting that the mobile station is entering or leaving soft handoff, as recited in the independent claims.

Instead, Fong, in paragraph [0005], discloses “a dedicated channel (DCH) is assigned or dedicated to a mobile station for a relatively long duration, typically a frame duration (e.g. 20 ms) or a multiple of the frame duration (e.g. 40 or 80 ms).” Thus, Fong discloses assigning a dedicated channel having a given frame duration to a mobile station, not modifying or setting a mobile station’s transmission parameter comprising a frame size to a first value or a second value in response to detecting that the mobile station is entering or leaving soft handoff, as recited in the independent claims.

For at least the above reasons, Applicants submit that independent claims 10, 15, 18, 27, 34, 41, 53 and 54 are allowable over the cited references.

Claims 11, 12, 14, 16, 17, 20, 22-26, 28-30, 32, 35-38, 40, 42-52, which depend from a respective one of the independent claims, are likewise allowable for at least the same reasons, as well as for the additional features recited therein.

Additionally, new claims 55-57 are allowable for at least the same reasons, as well as for the additional features recited therein.

Therefore, based on the foregoing, Applicants respectfully request that the Examiner withdraw the rejection of claims 1, 3, 5-12, 14-18, 20, 22-30, 32, 34-38 and 40-54 under 35 USC § 103(a) as being unpatentable over Jung in view of Fong, and to additionally allow new claims 55-57.

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Reply to Office Action of March 26, 2009

### CONCLUSION

In light of these remarks, Applicants submit that the application is in condition for allowance, for which early action is requested.

Please charge any fees or overpayments that may be due with this response to Deposit Account No. 17-0026.

Respectfully submitted,

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